IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

CIVIL APPLICATION NO.3056 OF 2004
IN
WRIT PETITION NO.6533 OF 1999

Shri Arun Vishnu Kode.....Applicant

Vs.

Bruhman Mumbai Municipal
Corporation through its
Comissioner & Ors. ....Respondents

Mr. R.K. Mendadkar, for the Petitioner

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.
DATED : 11th February, 2005

P.C.:

. The petitioner came to this Court contending that he be treated as voluntarily retired with effect from 5th November, 1997. Based on the statement made by the respondent the petition was disposed of on 3rd May, 2001 with further direction that if no retirement benefits are left to be paid the same to be paid expeditiously. The petitioner thereafter caused a notice be served dated 19th August, 2002 and paragraph 6 sets out that though he had given notice of voluntary retirement on 5th November, 1997 as it was not communicated he is entitled to two years additional service i.e. upto 5th November, 1999. It is not possible in this Civil Application to consider that contention

considering the prayer of the petitioner which was sought in the petition. In case the petitioner is entitled to any other relief that will have to be by independent petition. That cannot be done by this Civil Application. Hence Civil Application rejected.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)